

AMENDED IN ASSEMBLY APRIL 28, 2005

AMENDED IN ASSEMBLY MARCH 30, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 475

Introduced by Assembly Member Baca

February 16, 2005

An act to amend Sections 7106, 7107, 7110, and 7110.5 of the Government Code, relating to military base closure.

LEGISLATIVE COUNSEL'S DIGEST

AB 475, as amended, Baca. Local agency military base recovery area (LAMBRA).

Existing law, the Local Agency Military Base Recovery Area Act, authorizes local agencies to propose to the Department of Housing and Community Development specific geographic areas to receive regulatory, tax, and other governmental program incentives to offset federal military base closures by being designated local agency military base closures by being designated local agency military base recovery areas. Existing law also requires the department to administer the Local Agency Military Base Recovery Act and to designate a military base or a former military base as eligible to be a local agency military base recovery area (LAMBRA).

This bill would expand the definition of "local agency military base recovery area" (LAMBRA) to include other previously owned specified properties within 1,500 feet of any boundary of the former military base or adjacent to and extending for not more than 1,500 feet from the boundaries of a military base, former military base, and other previously owned federal property, as specified, and privately owned properties if certain conditions are met.

The bill would also expand the definitive boundaries of the area to be designated a LAMBRA by including these properties in addition to the boundary of the former military base property. The bill would also make other clarifying changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7106 of the Government Code is
2 amended to read:

3 7106. (a) The Legislature finds and declares that the health,
4 safety, and welfare of the people of California depend upon the
5 development, stability, and expansion of private business,
6 industry, and commerce, and that there are certain areas within
7 the state that have been and will be severely economically
8 impacted because of the closure of military bases by the
9 Department of Defense.

10 ~~The~~

11 (b) The Legislature further finds and declares that while it is
12 necessary for the Department of Defense to close military bases
13 in California because of the cuts in Department of Defense
14 funding, military bases have historically been crucial to the State
15 of California and its local economies and that their closure
16 creates an economic emergency for many communities.

17 ~~The~~

18 (c) The Legislature further finds and declares that more than
19 147,700 California military and civilian personnel have lost their
20 jobs as a result of the military base closures and another 180,000
21 are at stake in the next round of base closures, and that because
22 of military base closures statewide more than thirteen billion
23 dollars (\$13,000,000,000) of revenues have been lost by the state
24 and localities since 1988.

25 ~~The~~

26 (d) The Legislature further finds and declares that many
27 communities want and need to attract new business and private
28 investment to compensate for the loss of revenue that occurs
29 when a military base closes or downsizes, but that many
30 communities have insufficient means to do so.

31 ~~The~~

(e) The Legislature further finds and declares that many military bases have significant soil contamination and hazardous waste cleanup problems that must be addressed in any reuse plan. In order to encourage the safe and beneficial use of this land, it is important that these problems be addressed in a safe and cost-effective manner. Therefore, it is intended that this law shall encourage the development of adequate treatment capacity for hazardous waste generated at military bases. In addition, special consideration shall be given to reuse plans incorporating the development of commercial offsite facilities, as part of the reuse plan to address California's treatment capacity shortfall.

~~Therefore,~~

(f) Therefore, it is the purpose of this act to stimulate business and industrial growth in those areas that are experiencing military base closures by relaxing regulatory controls and thereby encouraging private investment, cooperation, and innovation between local government and private business and industry.

~~The~~

(1) The Legislature further finds and declares that nothing in this chapter shall be construed to infringe upon regulations relating to civil rights, equal employment rights, equal opportunity rights, or fair housing rights of any person.

~~The~~

(2) The Legislature further finds and declares that no local agency military base recovery area shall be designated in which any boundary thereof is drawn in a manner as to include any area outside former base property or outside base property of a base that is scheduled to be closed *unless the area meets the criteria specified in subdivision (h) of Section 7107.*

~~SECTION 1.~~

SEC. 2. Section 7107 of the Government Code is amended to read:

7107. For purposes of this chapter:

(a) "Department" means the Department of Housing and Community Development.

(b) "Base" means a federal military installation or subinstallation as defined by regulations of the Departments of the Army, Navy, and Air Force, and other defense activities.

(c) "Critically needed hazardous waste facilities" means a facility that will provide necessary offsite treatment capacity for

1 which there is a substantial shortfall or lack of capacity. This
2 shortfall shall be as identified in any of the following documents:

3 (1) The State Hazardous Waste Management Plan.

4 (2) The State's Capacity Assurance Plan required by federal
5 law.

6 (3) Other reports of the Department of Toxic Substances
7 Control.

8 (d) "Downsizing" means a significant reduction in federal
9 funding, personnel, and equipment on a base.

10 (e) "Economic development plan" includes, but is not limited
11 to, a marketing plan, a job development plan, and an analysis of
12 infrastructure.

13 (f) "Eligible area" means a geographic area meeting the
14 criteria described in Section 7111.

15 (g) "Governing body" means a city, county, city and county,
16 joint powers agency, council, or board, as appropriate.

17 (h) "Local agency military base recovery area" means (1) any
18 military base, former military base, or any portion thereof, (2)
19 any other previously owned federal property acquired by a
20 governing body in proximity to the military base or former
21 military base that is within 1,500 feet of any boundary of the
22 former military base, and (3) any other privately owned
23 properties adjacent to or extending for not more than 1,500 feet
24 from the boundaries of the military base, former military base,
25 and other previously owned federal property if the privately
26 owned properties in the land area do not exceed 10 percent of the
27 land area of the former military base, if it is determined by the
28 governing body that the inclusion of the privately owned
29 property is necessary for land use planning and land assembly
30 purposes together with the military base properties, former
31 military base properties, or previously owned federal properties,
32 the former military base properties, or the previously owned
33 federal properties and that are designated in accordance with the
34 provisions of Section 7114.

35 (i) "Region One" includes the following counties: Del Norte,
36 Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen,
37 Mendocino, Tehama, Glenn, Butte, Plumas, Marin, Napa,
38 Sonoma, Lake, Colusa, Sutter, Yuba, Nevada, Sierra, Placer,
39 Yolo, Solano, Sacramento, El Dorado, and Amador.

(j) “Region Two” includes the following counties: Contra Costa, San Francisco, Santa Cruz, Santa Clara, Alameda, and San Mateo.

(k) “Region Three” includes the following counties: Monterey, San Benito, San Joaquin, Merced, Fresno, Stanislaus, Kings, Madera, Mariposa, Tuolumne, Calaveras, Alpine, Mono, Inyo, and Tulare.

(l) “Region Four” includes the following counties: San Diego, San Bernardino, Riverside, and Imperial.

(m) “Region Five” includes the following counties: Los Angeles, Orange, Ventura, Santa Barbara, San Luis Obispo, and Kern.

(n) “Reuse plan” includes, but is not limited to, an evaluation of community goals for the future as they relate to potential use of the former military facilities and land areas, market studies or surveys to evaluate the regional economic setting, trends, and pressures affecting base reuse, surveys or inventories of on-base facilities to determine their condition, quality and reuse potential and liability, development of reuse alternatives responding to market conditions, community goals, and reuse of potential of existing assets, review of alternative strategies with the community at large and consensus building of a preferred development strategy.

~~SEC. 2.~~

SEC. 3. Section 7110 of the Government Code is amended to read:

7110. (a) The governing body may, either by ordinance or resolution, propose an eligible area within its respective jurisdiction as the geographic area for a local agency military base recovery area. A county may propose an area within the unincorporated area as the geographic area for a local agency military base recovery area, but shall not propose an area within an incorporated area. A city may propose an area within the incorporated area as the geographic area for a local agency military base recovery area, but may not propose an area within an unincorporated area. A city and county may propose an area within the city and county for designation as a local agency military base recovery area. This proposed geographic area shall be based upon findings by the governing body that the area meets the criteria in Section 7111 and that the designation as a local

1 agency military base recovery area is necessary in order to assist
2 in attracting private sector investment in the area. The governing
3 body shall establish definitive boundaries, not to exceed former
4 base property and the other properties provided for under
5 subdivision (h) of Section 7107, for the areas to be included in
6 the application for designation and, if designated by the agency,
7 the designation shall be binding for the period described in
8 Section 7110.5. Any local area military recovery area may be
9 amended, after designation and approval of a application by the
10 department, through the action of the governing body upon the
11 adoption of an ordinance or resolution, with notice of that action
12 being delivered to the department for the inclusion of additional
13 former military base boundaries and property within 1,500 feet of
14 any boundary of the former military base.

15 (b) Following the application for designation of a local agency
16 military base recovery area, the governing body shall apply to the
17 department for designation. The department shall adopt
18 regulations and guidelines concerning the necessary contents of
19 each application for designation.

20 (c) Any governing body with an eligible area within its
21 jurisdiction may complete a preliminary application.

22 (d) In designating a local agency military base recovery area,
23 the department shall select from the applications submitted those
24 proposed local agency military base recovery areas which, based
25 on a comparison of those applications, propose the most
26 effective, innovative, and comprehensive regulatory, tax,
27 program, and other incentives to attract private sector investment
28 in the proposed local agency military base recovery area. For
29 purposes of this paragraph:

30 (1) "Regulatory incentives" include, but are not limited to, the
31 elimination or reduction of fees for applications, permits, and
32 local government facilities and services; and the establishment of
33 a streamlined permit process.

34 (2) "Tax incentives" include, but are not limited to, the
35 elimination or reduction of business license taxes and utility user
36 taxes.

37 (3) "Program" and "other incentives" may include, but are not
38 limited to the provision or expansion of infrastructure; the
39 targeting of federal block grant moneys, including small cities,
40 education, and health and welfare block grants; the targeting of

1 economic development grants and loan moneys, including grant
2 and loan moneys provided by the federal Urban Development
3 Action Grant program and the federal Economic Development
4 Administration; the targeting of state and federal job
5 disadvantaged and vocational education grant moneys, including
6 moneys provided by the federal Job Partnership Training Act of
7 1982; the targeting of federal or state transportation grant
8 moneys; and the targeting of federal or state low-income housing
9 and rental assistance moneys.

10 (e) The department shall also consider the following:

11 (1) The unemployment rate for the area under the jurisdiction
12 of the local governing body.

13 (2) The number of civilian and military jobs lost as a result of
14 the base closure when compared to the number of jobs available
15 in the area.

16 (3) Whether the local agency has a comprehensive economic
17 development plan that is consistent with the reuse plan.

18 (4) Whether the local agency has a prepared plan for
19 appropriate hazardous waste management facilities as an integral
20 part of the base and shall give extra consideration for any plan
21 which includes provisions for critically needed hazardous waste
22 facilities.

23 (5) The governing body has resolved, as part of the reuse plan
24 approval, to prepare a program environmental impact report that
25 is in compliance with the California Environmental Quality
26 Control Act and associated guidelines.

27 (f) In evaluating applications for designation, the department
28 shall ensure that applications are not disqualified solely because
29 of technical deficiencies and shall provide applicants with an
30 opportunity to correct the deficiencies. Applications shall be
31 disqualified if the deficiencies are not corrected within two
32 weeks. The department shall provide technical assistance to
33 applicants that request it.

34 ~~SEC. 3.~~

35 *SEC. 4.* Section 7110.5 of the Government Code is amended
36 to read:

37 7110.5. A designation of a local agency military base
38 recovery area pursuant to Section 7110 shall be for an eight-year
39 period, that shall expire eight years after the department has

1 determined that the later of the following conditions has been
2 met:

3 (a) The governing body has notified the department that legal
4 title to all of the economic development parcels at the former
5 military base has been transferred in their entirety to the
6 governing body and, in cases in which early transfer authority
7 has been exercised, the terms and conditions necessary for
8 satisfying the requirements of Section 9601 and following of
9 Title 42 of the United States Code are met and regulatory closure
10 has occurred.

11 (b) The governing body has notified the department that
12 vouchers have been issued to an employer that has entered into a
13 lease or received title to property located within the local agency
14 military base recovery area.

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